

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE**  
**CONDITIONAL USE PERMIT REPORT (#FCU-11-04)**  
**101 O'BRIEN, LLC**  
**AUGUST 23, 2011**

A report to the Flathead County Board of Adjustment regarding a request by Vincent Grillo, on behalf of 101 O'Brien LLC, for a conditional use permit to allow the construction of a 6-unit multi-family dwelling on the subject property, located in the Bigfork zoning district and zoned "RA-1 Residential Apartment".

The Flathead County Board of Adjustment will hold a public hearing on the proposed conditional use on September 6<sup>th</sup>, 2011 beginning at 6:00 P.M. in the 2<sup>nd</sup> floor conference room of the Earl Bennett Building, 1035 First Avenue West, Kalispell. Documents pertaining to this file are available for public inspection in the Flathead County Planning and Zoning Office, also located on the second floor of the Earl Bennett Building.

**I. APPLICATION REVIEW UPDATES**

**A. Land Use Advisory Committee/Council**

The proposed land use is located within the advisory jurisdiction of the Bigfork Land Use Advisory Committee (BLUAC). On August 25<sup>th</sup>, 2011 the Bigfork Land Use Advisory Committee name will hold a public meeting to review the proposed land use and make a recommendation to the Flathead County Board of Adjustment. This space is reserved for a summary of the Committee's discussion and recommendation.

**B. Board of Adjustment**

The Flathead County Board of Adjustment will hold a public hearing on the proposed land use on September 6<sup>th</sup>, 2011 beginning at 6:00 P.M. in the 2<sup>nd</sup> floor conference room of the Earl Bennett Building, 1035 First Avenue West, Kalispell. This space is reserved for a summary of the Board's discussion and decision at that hearing.

**II. GENERAL INFORMATION**

**A. Application Personnel**

**i. Applicant & Landowner**

101 O'Brien, LLC  
Attn: Vincent Grillo  
P.O. Box 394  
Bigfork, MT 59911  
[fishwithvince@gmail.com](mailto:fishwithvince@gmail.com)

**ii. Technical Assistance/Representative**

Vincent Grillo  
150 Marken Loop  
Bigfork, MT 59911  
[Fishwithvince@gmail.com](mailto:Fishwithvince@gmail.com)

## B. Property Location and Size

The subject property sits on the northeast corner of Crestview Drive and O'Brien Terrace (see Figure 1 below), and can be legally described as Lot 1, Block 9 of the Crestview 80 No. 2 Subdivision located in Section 25, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana. The property is approximately ½ an acre in size.

**Figure 1:** Subject property outlined in red.



## C. Existing Land Use(s) and Zoning

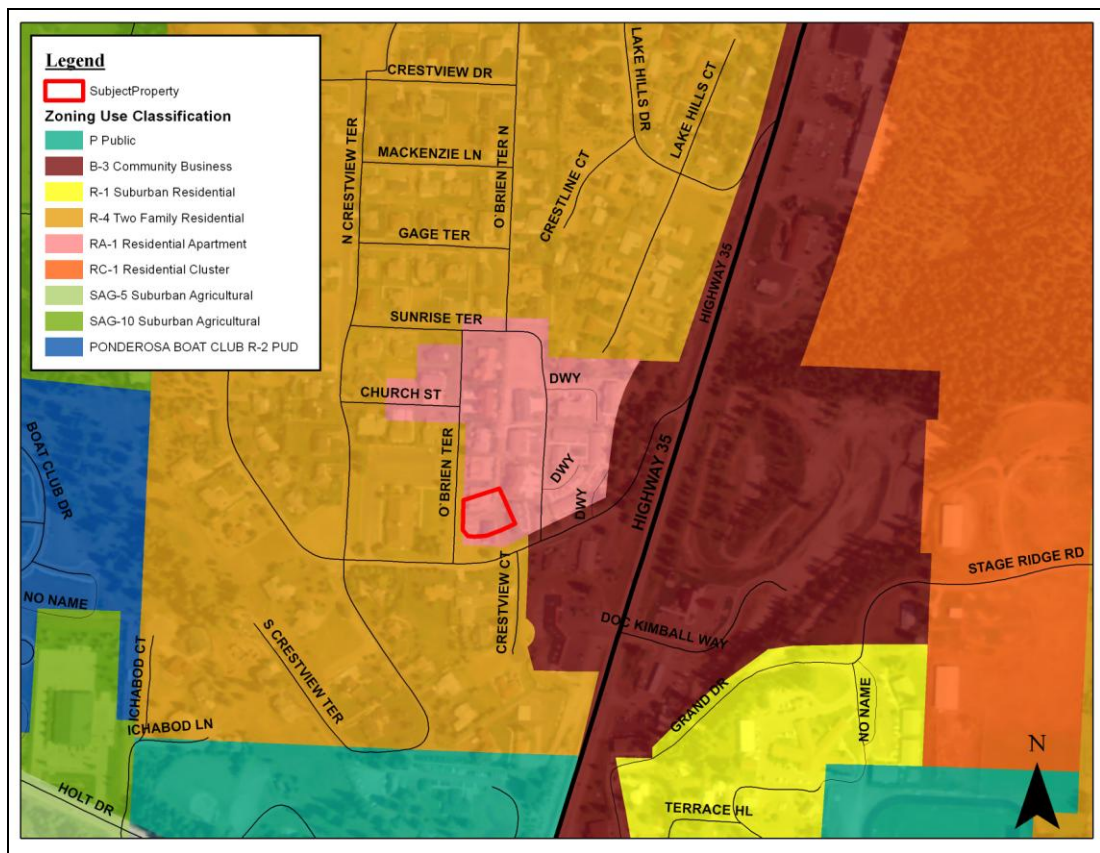
The property is currently developed with a duplex building; the applicant's intent is to add onto the existing duplex to create a multi-family dwelling. The property is located within the Bigfork zoning district and is zoned "RA-1 Residential Apartment", a classification intended to *"provide areas for multi-family use and for non-residential uses, which support or are compatible with the primarily residential character. This district is intended as a buffer between residential districts and other non-residential districts. This district shall be served by community water and sewer and have immediate access to fire, police, refuse and park facilities"* (Section 3.15.010 FCZR).

## D. Adjacent Land Use(s) and Zoning

The area surrounding the subject property is a mix of high density residential and commercial land uses. As shown by Figure 2 below, property to the north and east of

the subject parcel is similarly zoned “RA-1 Residential Apartment”, while property to the south and west is zoned “R-4 Two Family Residential”. Further east along Montana Highway 35, property is predominantly zoned “B-3 Community Business” and serves as an extension of Bigfork’s commercial core, providing gas, grocery, banking and other services to the residents of the Bigfork community. Property in the immediate vicinity of the subject parcel is predominantly residential, with duplex, triplex and multi-family units located to the north, south and east; property to the immediate west is currently utilized by the Church of Jesus Christ of Latter Day Saints.

**Figure 2:** Zoning surrounding the subject property (outlined in red).



## E. Summary of Request

The applicant has requested a conditional use permit to allow for the construction of a multi-family dwelling on the subject property. As previously stated, the subject property is currently developed with a duplex, and the applicant intends to construct an additional four units on the property, connecting the existing duplex and proposed units via a structural breezeway. The applicant’s intention is to create one multi-family dwelling on the subject property that will serve as the principal use and will eventually be converted to condominiums, in conformance with the applicable zoning regulations. Pursuant to Section 3.15.030(10), multi-family dwellings in an RA-1 zone require the issuance of a conditional use permit prior to construction and operation. Multi-family dwellings are defined in Section 7.05.120 of the zoning regulations as “a building designed to house three or more families living

*independently of each other in separate dwelling units but having one yard in common.”* Based upon the zoning administrator interpretation written May 12<sup>th</sup>, 2011 and included in this file, the applicant’s proposal to construct four additional units on the subject property and connect them structurally to the existing duplex meets the definition of a multi-family structure in accordance with the zoning regulations.

**F. Compliance With Public Notice Requirements**

Notification was mailed to property owners within 150 feet of the subject property on August 12<sup>th</sup>, 2011, pursuant to Section 2.06.040(3) of the Flathead County Zoning Regulations. Legal notice of the public hearing on this application will be published in the August 21<sup>st</sup>, 2011 edition of the Daily Interlake.

**G. Agency Referrals**

Referrals were sent to the following agencies on July 28<sup>th</sup>, 2011:

- Bigfork Water and Sewer District
  - Reason: The property is currently served and will continue to be served by the water and sewer district.
- Flathead County Road and Bridge Department
  - Reason: The proposed uses may directly impact County infrastructure.
- Bigfork Fire Department
  - Reason: The subject property is located within the Department’s service area/jurisdiction.

**III. COMMENTS RECEIVED**

**A. Public Comments**

No written public comments have been received to date regarding the request. It is anticipated any individual wishing to provide public comment on the proposal will do so during the public hearing scheduled for September 6<sup>th</sup>, 2011. Any written comments received following the completion of this report will be provided to the Board and summarized during the public hearing.

**B. Agency Comments**

The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- Wayne Loeffler, Fire Chief – Bigfork Fire Department
  - The Bigfork Fire Department approves of the conditional use permit request.

**IV. CRITERIA REQUIRED FOR CONSIDERATION**

Per Sections 2.06.080 and 2.06.100 of the Flathead County Zoning Regulations, what follows are criteria required for consideration of a Conditional Use Permit and suggested findings of fact based on review of each criterion.



## **A. Site Suitability**

### **i. Adequate usable space**

The subject property is just under ½ acre in size (approximately 19,866 sq. ft. according to the application), and the provisions of the RA-1 zoning district require a minimum lot size of 7,500 sq. ft. for a duplex unit with an additional 1,500 sq. ft. per dwelling unit in excess of two. As proposed, the six units require a minimum lot size of 13,500 sq. ft. to accommodate the uses onsite; this square footage is readily available given the current lot size. The existing duplex has an approximate footprint of 2,000 sq. ft., resulting in a lot coverage of roughly 10% of the total area. Based upon the site plan submitted, the four units proposed would have a building footprint of approximately 3,720 sq. ft. (including the breezeway). As a result, total lot coverage anticipated on the subject property would increase to approximately 20%, still well under the 35% lot coverage permitted in an RA-1 zone. The remainder of the property will be utilized for driveway access and parking, as well as a yard or open area for the residents. The existing duplex currently meets the RA-1 setback requirements for a principal structure, being situated a minimum of 20 ft. from the property lines abutting both Crestview and O'Brien Terrace, 20 ft. from the rear property boundary to the east and 5 ft. from the side property boundary to the north.

With the addition of four units, the entire multi-family dwelling will be required to meet setbacks for a principal structure, with an increase in the side setback requirement for a multi-family dwelling of three units or more. As proposed, the footprint of the new multi-family structure appears to meet the required 20 ft. setback from both Crestview Drive and O'Brien Terrace, as well as the increased 15 ft. side setback and 20 ft. rear setback requirement. Since the property is situated on a corner, the zoning regulations stipulate the 'front' of the property as being the "shorter of the two lot lines adjacent to the streets as platted, subdivided or laid out" [Section 7.12.070 FCZR]. Therefore the front of the subject property henceforth will be known as the lot line fronting O'Brien Terrace, with front, side, side corner and rear setbacks assessed accordingly.

At two stories in height, the structure appears to reasonably comply with the 35 ft. maximum height allowance permitted in an RA-1 zone for principal structures. Based upon the site plan submitted, it would appear the proposed multi-family dwelling is able to comply with the applicable bulk and dimensional requirements and adequately accommodate the additional parking and circulation needs of the proposed use.

**Finding #1** – The subject property appears suitable for the multi-family dwelling because the footprint of the existing structure and the additional units proposed is able to comply with the applicable bulk and dimensional requirements of the RA-1 zoning district, and the site is generally large enough to accommodate the six units proposed and the associated driveway access and parking for each unit.

**ii. Adequate access**

The subject property and existing duplex currently has driveway access onto Crestview Drive, a paved private roadway reviewed and approved as part of the Crestview 80 No. 1 Subdivision in 1985. The four additional units reviewed as part of this conditional use permit application are proposing to have direct driveway access onto O'Brien Terrace, a paved private roadway reviewed and approved as part of the Crestview 80 No. 2 Subdivision in 1991. Both Crestview Drive and O'Brien Terrace sit within 60 ft. road and utility easements and were constructed to County Road and Bridge standards for paved roads at the time of subdivision approval.

As neither road is a public County right-of-way, the applicant will not be required to obtain a new approach permit for the four additional units proposed on the subject property. However, the proposed location of the first driveway accessing O'Brien Terrace appears to be within a distance of 5 ft. from the beginning of the turn onto Crestview Drive. While the Flathead County Zoning Regulations do not require a minimum distance from a corner or intersection for residential driveways, it is relevant to point out the location of this driveway does have the potential to create conflict between traffic turning onto O'Brien Terrace and vehicles pulling out of these driveway/parking areas.

**Finding #2** – There appears to be adequate access to and from the subject parcel because the property has existing driveway access onto Crestview Drive and has planned additional driveway access onto O'Brien Terrace to serve the four units proposed.

**Finding #3** – Although the location of the driveways accessing the four dwelling units proposed has the potential to create traffic conflict due to proximity to the intersection, the Flathead County Zoning Regulations do not require a minimum distance between a residential driveway and existing intersection.

**iii. Absence of environmental constraints**

The property has been developed as a duplex since 1998. The property generally slopes from west to east, with a fairly significant elevation drop on the western side of the lot, and has little vegetation or landscaping other than the manicured lawn. A search of the property showed no hydrologic features, designated wetland or floodplain. While a search on the County GIS website did identify the property as located within the designated Wildland Urban Interface (WUI), the developed nature of the Crestview 80 area and proximity to local fire and emergency services would help to mitigate potential impacts resulting from this designation.

**Finding #4** – The subject property appears suitable for the use proposed because it is currently developed with a duplex and is absent of environmental



Section 6.11.060 of the zoning regulations stipulates only parking for single family and duplex dwellings is allowed to occur in the front yard setback of a lot. As the property boundary along O'Brien Terrace has been determined to be the 'front' of the property, the initial 20 ft. of the proposed driveways cannot be used solely to accommodate parking, pursuant to the regulations. There are no provisions in the regulations that would restrict a driveway from accessing a garage or carport intended to accommodate parking onsite. The applicant has stated in a subsequent letter (submitted August 22, 2011) that each of the four units proposed will have a garage to accommodate the required parking outside the front yard setback. Given this design provision, the subject property is able to reasonably accommodate the remaining 8 off-street parking spaces required without violating the zoning regulations.

**Finding #5** – The proposed parking layout appears adequate because the property is able to accommodate the 14 parking spaces required for the multi-family dwelling and overflow/visitor parking.

**ii. Traffic circulation**

As shown in the site plan (reference Figure 3) provided by the applicant and discussed in Section IV.A(ii) above, the existing duplex currently has access onto Crestview Drive via two separate driveway entrances serving each individual unit. The four additional units proposed would have individual driveway access onto O'Brien Terrace. While the site plan does not propose any 'through' circulation for the subject property, this is not uncommon for residential lots and the proposed layout would be similar to layouts for other multi-family dwellings in the surrounding area.

The location of the proposed driveways – particularly the driveway for Unit 204 – has the potential to impact traffic turning right onto O'Brien Terrace, or vehicles pulling out of the driveways themselves. However, O'Brien Terrace and Crestview Drive are both private roads that do not require driveway approaches to undergo review and receive approval from the Flathead County Road and Bridge Department. Additionally, the zoning regulations offer no guidance on reasonable minimum distances between a driveway and an established intersection.

**Finding #6** – Traffic circulation on the subject property appears adequate because units within the existing duplex have direct driveway access onto Crestview Drive, while the four additional units proposed will have direct driveway access onto O'Brien Terrace.

**iii. Open space**

As proposed, the multi-family dwelling would cover roughly 20% of the subject property, well under the 35% maximum lot coverage allowed in an RA-1 zone. While the addition of four dwelling units reduces the amount of open space on the property available to residents, the amount of coverage proposed not only



complies with the zoning but is consistent with the surrounding area with regard to size of lots and structural coverage. The RA-1 zoning classification does not stipulate or require a set amount of open space onsite for residential development, beyond the lot coverage requirements. Additionally, the subject property was reviewed as part of the Crestview 80 No. 2 Subdivision which required open space dedication as part of the subdivision review at the time.

**Finding #7** – The amount of open space onsite would be adequate because the proposed multi-family dwelling would comply with the lot coverage requirements of the RA-1 zoning in place, and is consistent with the lot size and building coverage occurring on other properties within the district.

**iv. Fencing/screening**

No fencing or screening has been proposed by the applicant as part of the conditional use permit request, and there are no fencing or screening requirements specific to RA-1 zones found in the Flathead County Zoning Regulations. As the adjacent properties to the north and east are similarly zoned for residential uses, the zoning regulations do not require any fencing or screening to separate uses [pursuant to Section 5.04 and 5.05 FCZR].

**v. Landscaping**

There are no landscaping or buffering requirements identified in the Flathead County Zoning Regulations for properties located in an RA-1 zone. The applicant is not proposing any landscaping on the subject property beyond what would be expected for a typical residential yard.

**vi. Signage**

No signage has been proposed by the applicant as part of this conditional use permit request. As the proposed use is residential in nature, it is anticipated signage will not be necessary on the subject property.

**Finding #8** – No fencing, screening, landscaping or signage is proposed as part of this conditional use permit request because the multi-family dwelling would be similar in use to surrounding properties and would not require fencing or screening; there are no landscaping or buffering requirements for a residential property zoned RA-1; and because no signage is typically needed or required for a residential use.

**vii. Lighting**

The applicant has stated future lighting on the subject property will be typical exterior lighting for residential structures, similar to what is in place on the existing duplex, and will continue to adhere to the Flathead County Zoning Regulations requiring the hooding, screening or shielding of exterior lights and porch lamps to ensure the light will not be deleterious to adjoining properties [pursuant to Section 5.12 FCZR].

**Finding #9** – Lighting proposed for the multi-family dwelling would be acceptable because it would be similar to existing lighting on the subject property which currently complies with exterior lighting standards found in the Flathead County Zoning Regulations.

**C. Availability of Public Services and Facilities**

**i. Sewer**

The subject property is currently served by the Bigfork Water and Sewer District for wastewater disposal. Although solicited, no comment was received from the Water and Sewer District regarding the conditional use permit request. It is anticipated the property will continue to be served by the public water and sewer district; however, the applicant may be required to undergo review and receive approval for the additional units proposed onsite, to ensure the Bigfork Water and Sewer District has the capacity available to serve the subject property and proposed expansion in use.

**ii. Water**

The subject property is currently served by the Bigfork Water and Sewer District for water utilities. Although solicited, no comment was received from the Water and Sewer District regarding the conditional use permit request. It is anticipated the property will continue to be served by the public water and sewer district; however, the applicant may be required to undergo review and receive approval for the additional units proposed onsite, to ensure the Bigfork Water and Sewer District has the capacity available to serve the subject property and proposed expansion in use.

**Finding #10** – The proposed use is expected to minimally impact public water and sewer services because the subject property is currently served by the Bigfork Water and Sewer District, and it is anticipated the Water and Sewer District has capacity to provide service to the additional four units proposed.

**iii. Storm Water Drainage**

Stormwater drainage on the subject property is currently handled by directing run-off from impervious surfaces toward more pervious areas of the property. It is anticipated additional development on the subject property will increase the amount of runoff while reducing pervious surface area available to manage stormwater onsite. The property was theoretically reviewed for its ability to manage stormwater onsite when the Crestview 80 No. 2 Subdivision was approved; however, as this lot is not undergoing further subdivision, additional review of stormwater management is not necessarily required. The applicant has stated there will be adequate open space available onsite to manage stormwater runoff even after the additional four units have been constructed.

**Finding #11** – The proposed method of stormwater management may be adequate because the subject property will continue to manage stormwater runoff onsite through absorption techniques using the remaining open space and

undeveloped pervious surfaces available onsite, and the property was previously reviewed for appropriate stormwater management as part of the Crestview 80 No. 2 Subdivision review.

**iv. Fire Protection**

The subject property is located within the Bigfork Fire District, with the closest fire station located approximately ¼ of a mile south at the corner of Montana Highway 35 and Grand Drive in Bigfork. Comment received from the fire chief indicates the Department will continue to provide service to the subject property and has no issues or concerns with the proposed expansion of the existing duplex into a multi-family dwelling.

**v. Police Protection**

The subject property is within the jurisdiction of and currently served by the Flathead County Sheriff's Department. Relatively quick response times would be anticipated given the property's location in a developed area close to the town of Bigfork.

**vi. Streets**

As previously discussed, the subject property has direct driveway access onto Crestview Drive and proposes future driveway access onto O'Brien Terrace, both of which are paved roads in good condition. A modest increase in traffic can be anticipated as a result of the proposed multi-family dwelling, and will be discussed in greater detail in Section IV.D.(i) below. It is anticipated both Crestview Drive and O'Brien Terrace will be able to serve the additional traffic resulting from the proposal, as both roads were reviewed and approved as separate - but related – subdivision proposals that contemplated a significant amount of residential development into the future.

**Finding #12** - Impacts to public services and facilities are anticipated to be minimal and acceptable because the subject property is located in a developed area of the county; is within the jurisdiction of and able to be served by both the Bigfork Fire District and the Flathead County Sheriff; and because the subject property has direct access onto two paved, private roadways in good condition and able to serve the additional traffic created by the proposed multi-family dwelling.

**D. Immediate Neighborhood Impact**

**i. Excessive traffic generation**

The four units proposed as part of the multi-family dwelling on the subject property would result in an additional forty (40) vehicle trips per day to and from the subject property. Including the existing units onsite, a total of sixty (60) trips per day could be expected as a result of the conditional use permit request. As previously discussed, both O'Brien Terrace and Crestview Drive are paved, private roads previously reviewed and approved as infrastructure components of the Crestview 80 and Crestview 80 No. 2 Subdivisions. It was

anticipated as part of each respective subdivision review that both roads would be constructed to handle the amount of residential traffic anticipated as part of the development(s). The subject property in particular was reviewed and approved as a multi-family development lot capable of accommodating up to eight residential units, two more than what is being proposed in this conditional use permit application. The amount and type of traffic resulting from the proposed use is anticipated to be similar to existing traffic conditions in the Crestview 80 area, and would not place an excessive burden on the existing infrastructure.

**Finding #13** – Although the proposed multi-family dwelling would generate additional traffic, the amount of traffic is not anticipated to have a negative impact on the surrounding neighborhood or existing infrastructure because both O'Brien Terrace and Crestview Drive are private paved roadways capable of safely and effectively accommodating the additional traffic resulting from the proposed use.

**ii. Noise or vibration**

No noise or vibration beyond what is typical for a residential area is anticipated as a result of the proposed multi-family dwelling. While some noise and vibration will naturally result from construction activities related to the development of the additional four units, these impacts will be limited in duration and should not negatively impact the surrounding area.

**iii. Dust, glare or heat**

Excessive dust is not anticipated as a result of the proposed multi-family dwelling, as both O'Brien Terrace and Crestview Drive are paved roadways. While some dust is anticipated during construction activities, the resulting impacts will be limited and finite, similar to the impacts of construction noise and vibration. As with any development, increased impervious surface area and windows do have the potential to increase the impacts of glare and heat on the subject property as well as surrounding area. However, these impacts can be mitigated by retaining open space on the subject property in conformance with the bulk and dimensional requirements of the zoning and ideally, landscaping these areas or maintaining them as grass or other types of pervious surfaces.

**iv. Smoke, fumes, gas, or odors**

The proposed multi-family dwelling is not expected to create any smoke, fumes, gas or odors beyond those typically associated with residential activities. The proposed use should not have an impact on the surrounding neighborhood with regard to these types of emissions.

**v. Inappropriate hours of operation**

The proposed multi-family dwelling will operate as is typical for a residential area; no hours of operation have been proposed by the applicant or are necessary for a residential dwelling.

**Finding #14**– The proposed use is anticipated to have a minimal impact on the surrounding neighborhood because the multi-family dwelling will not create excessive noise, vibration, dust, heat, glare, smoke, fumes, gas or other odors, and will operate in a manner consistent with residential uses and the surrounding residential area.

## **V. SUMMARY OF FINDINGS**

1. The subject property appears suitable for the multi-family dwelling because the footprint of the existing structure and the additional units proposed is able to comply with the applicable bulk and dimensional requirements of the RA-1 zoning district, and the site is generally large enough to accommodate the six units proposed and the associated driveway access and parking for each unit.
2. There appears to be adequate access to and from the subject parcel because the property has existing driveway access onto Crestview Drive and has planned additional driveway access onto O'Brien Terrace to serve the four units proposed.
3. Although the location of the driveways accessing the four dwelling units proposed has the potential to create traffic conflict due to proximity to the intersection, the Flathead County Zoning Regulations do not require a minimum distance between a residential driveway and existing intersection.
4. The subject property appears suitable for the use proposed because it is currently developed with a duplex and is absent of environmental constraints such as steep topography, excess fuels, critical wildlife habitat, riparian areas, floodplain or designated wetland.
5. The proposed parking layout appears adequate because the property is able to accommodate the 14 parking spaces required for the multi-family dwelling and overflow/visitor parking.
6. Traffic circulation on the subject property appears adequate because units within the existing duplex have direct driveway access onto Crestview Drive, while the four additional units proposed will have direct driveway access onto O'Brien Terrace.
7. The amount of open space onsite would be adequate because the proposed multi-family dwelling would comply with the lot coverage requirements of the RA-1 zoning in place, and is consistent with the lot size and building coverage occurring on other properties within the district.
8. No fencing, screening, landscaping or signage is proposed as part of this conditional use permit request because the multi-family dwelling would be similar in use to surrounding properties and would not require fencing or screening; there are no landscaping or buffering requirements for a residential property zoned RA-1; and because no signage is typically needed or required for a residential use.



9. Lighting proposed for the multi-family dwelling would be acceptable because it would be similar to existing lighting on the subject property which currently complies with exterior lighting standards found in the Flathead County Zoning Regulations.
10. The proposed use is expected to have a minimal impact on public water and sewer services because the subject property is currently served by the Bigfork Water and Sewer District and it is anticipated the Water and Sewer District has capacity to provide service to the additional four units proposed.
11. The proposed method of stormwater management may be adequate because the subject property will continue to manage stormwater runoff onsite through absorption techniques using the remaining open space and undeveloped pervious surfaces available onsite, and the property was previously reviewed for appropriate stormwater management as part of the Crestview 80 No. 2 Subdivision review.
12. Impacts to public services and facilities are anticipated to be minimal and acceptable because the subject property is located in a developed area of the county; is within the jurisdiction of and able to be served by both the Bigfork Fire District and the Flathead County Sheriff; and because the subject property has direct access into two paved, private roadways in good condition and able to serve the additional traffic created by the proposed multi-family dwelling.
13. Although the proposed multi-family dwelling would generate additional traffic, the amount of traffic is not anticipated to have a negative impact on the surrounding neighborhood or existing infrastructure because both O'Brien Terrace and Crestview Drive are private paved roadways capable of safely and effectively accommodating the additional traffic resulting from the proposed use.
14. The proposed use is anticipated to have a minimal impact on the surrounding neighborhood because the multi-family dwelling will not create excessive noise, vibration, dust, heat, glare, smoke, fumes, gas or other odors, and will operate in a manner consistent with residential uses and the surrounding residential area.

## **VI. CONCLUSION**

Upon review of this application, the request to allow the expansion of an existing duplex into a multi-family dwelling on the subject property is generally supported by the review criteria and 13 of the 14 Findings of Fact listed above. Should the Flathead County Board of Adjustment choose to adopt staff report FCU-11-04 as Findings of Fact and approve the conditional use permit, the following 9 conditions would ensure compliance with the review criteria and appropriate measures to mitigate impacts have been met:

## **VII. CONDITIONS**

1. The multi-family dwelling proposed on the subject property shall be in substantial conformance with the application materials, site plan and elevation submitted and approved by the Board of Adjustment and modified by the conditions below [FCZR

Section 2.06.010].

2. Changes or modifications to the approved use and/or site plan shall not be affected unless specifically reviewed and approved by the Flathead County Board of Adjustment [FCZR Section(s) 2.06.010 and 2.06.020].
3. The multi-family dwelling shall conform with all applicable bulk and dimensional requirements of the “RA-1 Residential Apartment” zoning in place, including but not limited to lot size, setbacks, building height and lot coverage [FCZR Section 3.15.040].
4. A minimum of 14 parking spaces shall be set aside on the subject property to accommodate the 6 units proposed as well as overflow/visitor parking anticipated, in accordance with the applicable zoning regulations [FCZR Section(s) 6.01.020 and 6.02.030].
5. All required off-street parking and residential driveways associated with the multi-family dwelling shall meet the applicable design guidelines and special conditions set forth in the Flathead County Zoning Regulations [FCZR Section(s) 6.11 and 6.14].
6. Parking to serve the multi-family unit is not permitted in the front yard setback from O’Brien Terrace, pursuant to Section 6.11.060 FCZR. The eight parking spaces required for the four additional units proposed shall be located within a garage meeting the setback requirements of the district.
7. All exterior lighting on the subject property shall adhere to the performance standards set forth in the Flathead County Zoning Regulations [FCZR Section 5.12].
8. The proposed multi-family dwelling shall undergo review and receive approval from the Bigfork Water and Sewer District for the construction of additional dwelling units on the subject property, to ensure adequate water and sewer capacity is available to serve the proposed use. Documentation confirming the completion of this requirement shall be available upon request.
9. The proposed multi-family dwelling shall undergo review and receive approval from the Department of Labor & Industry Building Codes Bureau, in the form of a building and occupancy permit, to ensure compliance with all applicable construction and fire codes. Documentation confirming the completion of this requirement shall be available upon request.